

**ALLMAND LAW FIRM PC
5646 MILTON ST
STE 120
DALLAS, TX 75206**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**IN RE:
ERVIN FRANK LAYER
Debtor**

Case No: 13-30466-BJH-13

Hearing Date: 9/19/2013

Debtor's Modification of Plan after Confirmation

Date: 8/1/2013

To the Honorable Bankruptcy Judge:

Pursuant to 11 U.S.C. Section 1329, the Debtor requests the following Modification of Debtor's Confirmed Plan herein:

Trustee's History of Case

Date Filed:	February 01, 2013	Total Payments Received to Date:	\$1,460.00
Date of 341:	March 14, 2013	Total Payments to be Current:	\$1,810.00
Date Confirmed:	June 26, 2013	Total Amount Delinquent:	\$350.00
		To Be Current Calculated Through:	July 03, 2013

Modification of Debtor Payments to Trustee

- Change monthly payment amount from \$362.00 per month to \$ 362.00 X 3; \$ 600.00 X 51; and/or
- The above change(s) will result in a new "BASE AMOUNT" of \$33,146.00 (total due to Trustee under Plan, if all payments timely made). AND
- Payments to the Trustee in the amount of \$362.00 will resume on or before 09/03/2013.

Modification of Trustee Payments to Creditors

- Change treatment of the following claims:

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<u>Add/ Change</u>	<u>CreditorName/ClassType</u>	<u>CollateralDescription</u>	<u>ClaimAmount</u>	<u>CollateralValue</u>	<u>Int Rate</u>	<u>Treatment</u>
CHANGE TCIm#23	JPMORGAN CHASE BANK SECURED	POST PETITION ARREARS	\$6,779.85	\$6,779.85	0.00	PRO-RATA
CHANGE TCIm#10	COUNTY OF DALLAS SECURED	REAL PROPERTY	\$2,366.78	\$206,000.00	0.00	DIRECT
CHANGE TCIm#11	RICHARDSON ISD SECURED	REAL PROPERTY	\$2,503.70	\$2,503.70	0.00	DIRECT
CHANGE TCIm#18	INTERNAL REVENUE SER PRIORITY	TAXES	\$3,150.15	\$3,150.15	0.00	PRO-RATA

On secured claims, if collateral is shown as surrender and if collateral is real property, then the automatic stay is terminated as to creditor as of surrender date to permit said creditor to conduct a non-judicial foreclosure sale.

Debtor Attorney Fees

Debtor's attorney shall be allowed an additional fee for this Modification in the total amount of \$400.00 of which \$400.00 is to be paid direct and \$0.00 is to be paid by the Trustee.

Reason for Modification

This modification is requested for the following reason(s):

- To cure arrears to the Trustee.
- To add post petition debt (see claim treatment listed above).
- To provide for a claim (see claim treatment listed above).
- To surrender secured property (see claim treatment listed above).

Conditions

This modification will be approved with the following condition(s):

- Wage Directive must be submitted on or before 09/19/2013.

Respectfully Submitted,

By: 
 ALLMAND LAW FIRM PC
 Name: Nicholas C. Finman
 State Bar Number: 00787747

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ERVIN FRANK LAYER
Debtor**

**Case No: 13-30466-BJH-13
Hearing Date: 9/19/2013**

Debtor's Modification of Plan after Confirmation

Notice is hereby given that pursuant to 11 U.S.C. Section 1329, the attached Debtor's Modification of Plan After Confirmation dated 8/1/2013, will be approved by the Court without hearing, as the Debtor's Modified Chapter 13 Plan unless a party in interest files a written "Objection to Modification" within twenty four (24) days of service (mailing) hereof, provided the Modified plan is recommended by the Standing Chapter 13 Trustee and the Debtor has made any subsequent payments under the Modified Plan.

TO BE CONSIDERED, AN "OBJECTION TO MODIFICATION" MUST BE MADE IN WRITING, FILED WITH THE COURT, AND A COPY SERVED ON THE FOLLOWING PARTIES PRIOR TO THE PRE-HEARING CONFERENCE.

Debtor: ERVIN FRANK LAYER, 9814 FAIRCREST DR., DALLAS, TX 75238
Attorney: ALLMAND LAW FIRM PC, 5646 MILTON ST, STE 120, DALLAS, TX 75206
Court: CLERK'S OFFICE, US BANKRUPTCY COURT, 1100 COMMERCE ST., 12TH FLOOR, DALLAS, TEXAS, 75202
Trustee: TRUSTEE'S OFFICE, 125 E. JOHN CARPENTER FREEWAY, SUITE #1100, IRVING, TEXAS 75062

Notice of Court Hearing and Trustee's Pre-Hearing Conference

On **9/19/2013**, which is at least twenty four (24) days from the date of service hereon, a Pre-Hearing Conference with the Standing Chapter 13 Trustee, on the attached "Debtor's Modification of Plan after Confirmation" will be at 8:30 o'clock a.m. at:

125 E. John Carpenter Freeway, Suite 1100, 11th Floor, Irving, TX 75062

Any objections to the proposed Modification not resolved or defaulted at the Trustee's Pre-Hearing Conference will be heard by the Court at 2:00 p.m. on the same day at:

1100 Commerce Street, Fourteenth Floor, Dallas, Texas

YOU DO NOT HAVE TO ATTEND THE TRUSTEE'S PRE-HEARING CONFERENCE OR COURT HEARING UNLESS YOU OBJECT TO THE MODIFICATION.


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Certificate of Service

I hereby certify that a true copy of the foregoing "Notice of Hearing on Debtor's Modification of Plan After Confirmation" and "Notice of Court Hearing and Trustee's Pre-Hearing Conference" thereon with a copy of the "Debtor's Modification of Plan After Confirmation" attached has been served by me on or before 8/26/2013, on the parties named below by United States First Class Mail or via electronic mail.

Debtor: Ervin Frank Layer, 9814 Faircrest Dr., Dallas, Tx 75238
Attorney: Allmand Law Firm Pc, 5646 Milton St, Ste 120, Dallas, Tx 75206
Lawrence Herrera, 4717 W Lovers Lane, Dallas, Tx 75209
Creditor(s): 1100 Commerce Street, Room 1254, Dallas, Tx 75242
Chase Card Services, Cardmember Service, P.O. Box 94014, Palatine, Il 60094
Codilis And Stawiarski Pc, 650 N Sam Houston Parkway East, Suite 450, Houston, Tx 77060
County Of Dallas, Co Linebarger Goggan Blair, 2323 Bryan Street Suite 1600, Dallas, Tx 75201-2644
Internal Revenue Service, Po Box 7317, Philadelphia, Pa 19101-7317
Internal Revenue Service, Po Box 7346, Philadelphia, Pa 19101-7346
Irs - Internal Revenue Service, P.O. Box 7346, Philadelphia, Pa 19101
Jpmorgan Chase Bank Na, 3415 Vision Drive, Mail Code Oh4 7142, Columbus, Oh 43219
Jpmorgan Chase Bank Na, Mail Code La4-5555, 700 Kansas Lane, Monroe, La 71203
Lawrence Herrera, 4717 W. Lovers Lane, Dallas, Tx 75209-3135
Lawrence Herrera, Law Office Of Lawrence Herrera, 4717 W. Lovers Lane, Dallas, Tx 75209
Prober And Raphael A Law Corp, 20750 Ventura Boulevard, Suite 100, Woodland Hills, Ca 91364
Richardson Isd, Perdue Brandon Fielder Collins, Po Box 13430, Arlington, Tx 76094-0430
Sallie Mae Inc Obo Ecmc, Ecmc, Lockbox 8682 Po Box 75848, St Paul, Mn 55175
Sallie Mae Inc, Ecmc, Po Box 75906, St Paul, Mn 55175
The Bank Of New York Mellon Fka The Bank Of New Yo, C/O Prober & Raphael, P.O. Box 4365, Woodland Hills, Ca 91365
The Bank Of New York Mellon, Bank Of America Na, Po Box 660933, Dallas, Tx 75266-0933
U.S. Dept. Of Education, National Payment Center, P.O. Box 5609, Greenville, Tx 75403

By: 
ALLMAND LAW FIRM PC

Name: 
State Bar Number: 00787747